HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO: 12731 of 2006

Dated 8th November, 2006

Between:

Matta Santhamma, wife of Manikyala Rao, Lingavaram, Gudlavalleru Mandal, Krishna District.

... Petitioner

And:

1. The State Election Commission represented by its Secretary, Budda Bhawan, Secunderabad and others.

…Respondents.

ORDER:

This writ petition is filed seeking to issue an appropriate

writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in rejecting petitioner's application vide proceedings R.C.No.62/2006/A dt.18-6-2006 by the 3rd respondent and vide proceedings of RC:D: 506 of 2006 dated 20-6-2006 by the 2nd respondent confirming the orders of the 3rd respondent as illegal, arbitrary, without jurisdiction, contrary to the Judgment of Apex Court and contrary to the provisions of the A. P. Panchayat Raj Act, and consequently direct the respondents more particularly 3rd respondent to accept the petitioner's application for the Lingavaram Mandal Parishat territorial Constituency, Gudlavalleru Mandal Parishat, Krishna District.

2. The main grievance of the petitioner is that in the light of the decision of the apex Court reported in SOMNATH RATH v. BIKRAM K. ARUKH ([1]), the fair price shop dealer would not incur disqualification. It is needless to say that in as much as this is a matter concerned with the rejection of nomination, the remedy of the petitioner is to question the same by way of filing a proper election petition. However, in the light of the decision referred to supra and also in the light of the stand taken by the counsel for the state Election Commission, a clarification had already been given in this regard that the fair price shop dealer would not incur disqualification and the same is hereby recorded. Except making this observation, nothing else can be done.

3. With the above observation, the writ petition is disposed of. No costs.

_____

Justice

P.S.NARAYANA

Date: 8th November, 2006.

Dvs

HONOURABLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO: 12731 of 2006
Dated 8th November, 2006

[1] 1999 SC 3417